

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ERIK ROBERTS,

Plaintiff,

-vs-

Case No: 08-cv-1534

ACL TRANSPORTATION SERVICES, LLC.,

Defendant.

\_\_\_\_\_/

O'BRYAN BAUN COHEN KUEBLER KARAMANIAN  
DENNIS M. O'BRYAN (P30545)  
Attorney for Plaintiff  
401 S. Old Woodward, Suite 450  
Birmingham, MI 48009  
(248) 258-6262  
(248) 258-6047  
[dob@obryanlaw.net](mailto:dob@obryanlaw.net)

-and-

Frederic Mendelsohn, (6193281)  
Burke, Warren, MacKay & Serritella, P.C.  
Local Counsel  
22<sup>nd</sup> Floor  
330 N. Wabash Ave.  
Chicago, IL 60611-3607  
312-840-7004  
312-840-7900 - fax  
[fmendelsohn@burkelaw.com](mailto:fmendelsohn@burkelaw.com)

\_\_\_\_\_/

**FIRST AMENDED COMPLAINT**

NOW COMES Plaintiff, by and through counsel undersigned, O'BRYAN BAUN COHEN KUEBLER KARAMANIAN, complaining against Defendant as follows:

1. Jurisdiction and venue lie in this action, Defendant conducting business within this forum's boundaries.

2. Jurisdiction is founded under the Jones Act (46 USCA 30104) for negligence, and under the General Maritime Law for unseaworthiness, maintenance, cure and wages.

3. At all times material to issues herein Plaintiff served as an employee of Defendant serving as a crew member aboard its vessels, with all acts and/or omissions giving rise to this action occurring in the course of Plaintiff's employment in the service of his ship.

4. In or about August 2006 Plaintiff was in the course of employment when because of a deck obstruction he tripped and twisted his knee whereafter he was administered medical care lacking in reasonable care and thereafter was negligently assigned back to work activities resulting in aggravation or injury anew on or about November 9, 2006 when laying a wire, all damages thereby caused by said failure to provide a safe place to work and seaworthy vessel.

5. Defendant's tortious acts aforesaid caused or contributed to Plaintiff's damages, **inter alia**, as follows:

- a. Pain and suffering, past, present and future;
- b. Mortification, humiliation, fright shock and embarrassment;
- c. Loss of earnings and earning capacity;
- d. Hospital, pharmaceutical and other cure expenses;
- e. Aggravation of prior condition, if any there be;
- f. Inability to engage in social, recreational, and other pursuits previously enjoyed;

- g. Mental anguish;
- h. Found;
- i. Maintenance, cure, wages and/or attorney fees.

WHEREFORE, Plaintiff demands trial by jury and judgment against Defendant, together with interest, costs, attorney fees and expenses, all to be methodically adjusted upwards during the pendency of this cause.

O'BRYAN BAUN COHEN KUEBLER  
KARAMANIAN

/s/ Dennis M. O'Bryan

---

DENNIS M. O'BRYAN (P30545)  
Attorneys for Plaintiff  
401 S. Old Woodward, Suite 450  
Birmingham, MI 48009  
(248) 258-6262  
(248) 258-6047 - fax  
[dob@obryanlaw.net](mailto:dob@obryanlaw.net)

-and-

/s/ Frederic Mendelsohn (w/ consent)

---

Frederic Mendelsohn, (6193281)  
Burke, Warren, MacKay & Serritella, P.C.  
Local Counsel  
22<sup>nd</sup> Floor  
330 N. Wabash Ave.  
Chicago, IL 60611-3607  
312-840-7004  
312-840-7900 - fax  
[fmendelsohn@burkelaw.com](mailto:fmendelsohn@burkelaw.com)

Dated: May 13, 2008

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ERIK ROBERTS,

Plaintiff,

-vs-

Case No: 08 cv 1534

ACL TRANSPORTATION SERVICES, LLC.,

Defendant.

\_\_\_\_\_/

O'BRYAN BAUN COHEN KUEBLER  
DENNIS M. O'BRYAN (P30545)  
Attorney for Plaintiff  
401 S. Old Woodward, Suite 450  
Birmingham, MI 48009  
(248) 258-6262  
(248) 258-6047  
[dob@obryanlaw.net](mailto:dob@obryanlaw.net)

-and-

Frederic Mendelsohn, (6193281)  
Burke, Warren, MacKay & Serritella, P.C.  
Local Counsel  
22<sup>nd</sup> Floor  
330 N. Wabash Ave.  
Chicago, IL 60611-3607  
312-840-7004  
312-840-7900 - fax  
[fmendelsohn@burkelaw.com](mailto:fmendelsohn@burkelaw.com)

\_\_\_\_\_/

DEMAND FOR TRIAL BY JURY

\_\_\_\_\_/ NOW COMES Plaintiff by and through counsel undersigned, O'BRYAN BAUN COHEN KUEBLER KARAMANIAN, and hereby demands trial by jury in the above-referenced cause of action.

O'BRYAN BAUN COHEN KUEBLER  
KARAMANIAN

/s/ Dennis M. O'Bryan

---

DENNIS M. O'BRYAN (P30545)

Attorneys for Plaintiff  
401 S. Old Woodward, Suite 450  
Birmingham, MI 48009  
(248) 258-6262  
(248) 258-6047 - fax  
[dob@obryanlaw.net](mailto:dob@obryanlaw.net)

-and-

/s/ Frederic Mendelsohn (w/ consent)

---

Frederic Mendelsohn, (6193281)  
Burke, Warren, MacKay & Serritella, P.C.  
Local Counsel  
22<sup>nd</sup> Floor  
330 N. Wabash Ave.  
Chicago, IL 60611-3607  
312-840-7004  
312-840-7900 - fax  
[fmendelsohn@burkelaw.com](mailto:fmendelsohn@burkelaw.com)

Dated: May 13, 2008